

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR, et al.

v.

No. 00 - 105L

THE PALESTINIAN AUTHORITY, et al.

**NOTICE OF WITHDRAWAL OF PLAINTIFFS' OBJECTIONS TO PORTIONS OF
THE REPORT AND RECOMMENDATION ISSUED ON MARCH 31, 2004**

On April 19, 2004, plaintiffs filed "Objections to Portions of the Report and Recommendation Issued on March 31, 2004" (hereinafter: "Objections"). Plaintiffs' Objections challenged the recommendation that their motion for default judgment against the PLO for failure to conduct discovery be denied.

Since Magistrate Judge Martin has in any case recommended that default judgment be entered against the PLO (and the PA) for failure to answer, this objection was made solely out of an abundance of caution and to preserve an alternative argument for appeal.

Plaintiffs' Objections did not challenge any other recommended disposition, conclusion or finding contained in the Report and Recommendation.¹

Of course, plaintiffs agree fully with Magistrate Judge Martin's recommendation to enter default judgment against defendants, and their Objections expressly requested that the Court

¹ Out of caution and in the interest of thoroughness, the Objections also requested that the Court a) make an affirmative finding that the "government contacts" exception is inapplicable to the instant defendants; b) hold in the alternative that the instant defendants do not enjoy 5th Amendment due process protections, and; c) take note of a certain statement in the record which was not fully reflected in the Report and Recommendation.

275

affirm and adopt this recommendation, deny defendants' (then-pending) motion to dismiss on grounds of sovereign immunity, and enter final judgment against the PA and PLO forthwith.

This action is now fully ripe for immediate final judgment:

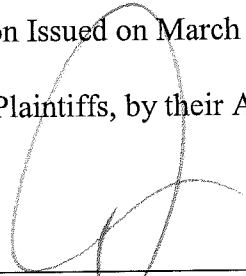
a) On April 23, 2004, this Court rendered a Decision and Order denying the motion by defendants PA and PLO to dismiss this action on grounds of sovereign immunity;

b) Plaintiffs' response to defendants' objections to the Report and Recommendation was filed simultaneously with the instant motion.

Since this action is now ready for immediate final judgment, plaintiffs do not want the matters raised in their Objections - none of which affect the recommended disposition of this case - to slow or impede the entry of final judgment, or otherwise burden the Court.

Therefore, for the reasons stated above, plaintiffs respectfully withdraw their "Objections to Portions of the Report and Recommendation Issued on March 31, 2004."

Plaintiffs, by their Attorney,



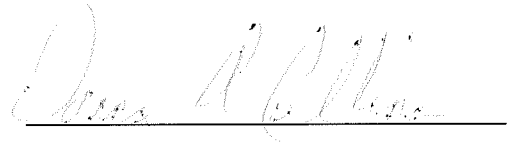
David J. Strachman #4404
McIntyre, Tate, Lynch & Holt
321 South Main Street, Suite 400
Providence, RI 02903
(401) 351-7700
(401) 331-6095 (fax)

CERTIFICATION

I hereby certify that on the 27 day of April, 2004 I mailed a true copy of the within to:

Ramsey Clark
Lawrence W. Schilling
36 East 12th Street
New York, NY 10003

Deming E. Sherman
Annemarie M. Carney
EDWARDS & ANGELL, LLP
2800 Bank Boston Plaza
Providence, RI 02903

A handwritten signature in cursive script, appearing to read "Annemarie M. Carney", is written over a horizontal line.